

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov. 7, 2003



RECEIVED
NOV 19 2003
TECH CENTER 1600/2900
PATENT

Attorney Docket No.: 015672-000810US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

LOREN R. PICKART

Application No.: 10/077,152

Filed: February 15, 2002

For: METHODS FOR TREATING
FINGERNAILS AND TOES

Examiner: Sharon L. Howard

Art Unit: 1615

RESPONSE TO SPECIES
ELECTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Species Election Requirement dated June 2, 2003, which states that the application contains claims directed to the following patentably distinct species of the claimed invention:

1. The peptide of the ionic metal-peptide complex is an enzymatic hydrolysis (claim 4);
2. The peptide of the ionic metal-peptide complex is an acid hydrolysis (claim 5);
3. The peptide of the ionic metal-peptide complex is a basic hydrolysis (claim 6);
4. The peptide of the ionic metal-peptide complex is a bacterial hydrolysis (claim 7).

Applicant elects to prosecute the species where the peptide is an enzymatic hydrolysis, with traverse. (Applicant expressly reserves the right to file a divisional or related application to the claims of non-elected species.) Claims 1-4, 7 and 10-12 are believed to be readable on this species. The instant specification describes bacterial hydrolysis (claim 7) as including "bacterial cultures that secrete hydrolytic enzymes in a culture medium which then hydrolyze proteins in the culture medium." Thus, it is believed that the alleged species of bacterial hydrolysis (claim 7) should be re-combined with the species of enzymatic hydrolysis. Reconsideration is respectfully requested.

Respectfully submitted,

Dated: Nov. 7, 2003

By: Steven W. Parmelee
Steven W. Parmelee
Reg. No. 31,990

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
(206) 467-9600
35016924 v1